

Oct 06 03 12:59p

McGlew

9149415855

#6
Jal. Hs
10-8-03 p. 1
81

REGISTERED PATENT ATTORNEY
JOHN JAMES McGLEW J.D., NY, NJ, DC BARS
THEOBALD J. DENGLER, PATENT AGENT
HILDA S. McGLEW M.D., PATENT AGENT

McGЛЕW AND TUTTLE, P.C.

PATENT, TRADEMARK, COPYRIGHT, AND UNFAIR COMPETITION CAUSES

Counselors at Law

TEL: (914) 941-5600
FACSIMILE: (914) 941-5855
EMAIL: MandT@mclewtuttle.com

1 SCARBOROUGH STATION PLAZA
SCARBOROUGH, NEW YORK 10510-0827

ATTORNEY DOCKET NO: 70055
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KNIGHT et al.
Serial No : 09/901,873
Confirm. No : 5953
Filed : July 9, 2001
For : PELLETIZING DIE...
Art Unit : 1732
Examiner : Mark Eashoo
Dated : October 6, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 09/901,873 (3 PAGES IN ALL) IS
BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
FACSIMILE NUMBER 1-703-872-9306 ON THE DATE SHOWN BELOW.

Toni Ann Fonte
NAME OF PERSON SIGNING CERTIFICATION

Toni Ann Fonte
SIGNATURE

DATED: October 6, 2003
McGЛЕW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
TELEPHONE: (914) 941-5600
FACSIMILE: (914) 941-5855

NOTE: IF THERE IS ANY ADDITIONAL FEE DUE PLEASE CHARGE IT TO OUR
DEPOSIT ACCOUNT 13-0410 AND ADVISE US OF ANY CHARGE THAT YOU
MAKE

70055.12

RECEIVED
CENTRAL FAX CENTER
OCT 06 2003

OFFICIAL

116
PLH
108-03

OFFICIAL

ATTORNEY DOCKET NO: 70055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KNIGHT et al.
Serial No : 09/901,873
Confirm. No : 5953
Filed : July 9, 2001
For : PELLETIZING DIE...
Art Unit : 1732
Examiner : Mark Eashoo
Dated : October 6, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT UNDER 35 USC § 121

In response to the Office Action dated September 4, 2003, Applicant hereby elects the species of Invention I drawn to a pelletizing dye with claims 1 - 8 and 10 - 22.

Applicant respectfully requests that the Examiner reconsider the restriction requirement. The restriction requirement indicates that Groups II and I are related as process and apparatus for its practice. The restriction feels that the apparatus as claimed can be used to practice another and materially different process such as one that extrudes and pelletizes a formed polymer in a manner that it has a fractured surface. Applicant notes that claim 8 sets forth an apparatus in the form of a pelletizing dye which has a polymer channel to extrusion orifice transition zone to prevent melt-fracture. It is Applicant's position that the apparatus of claim 8, and the method of claim 9, are therefore sufficiently related so that a single search would be beneficial. Further, the close relationship between the method and the apparatus are such that

RECEIVED
CENTRAL FAX CENTER
OCT 6 2003
LUU

the apparatus, especially with claim 8, cannot be used to practice a materially different process.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Favorable action is respectfully requested.

Respectfully submitted
for Applicant,

By: 

Theobald Dengler
Registration No. 34,575
McGЛЕW AND TUTTLE, P.C.

TD:tf
70055.11

DATED: October 6, 2003
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.

RECEIVED
CENTRAL FAX CENTER
OCT 06

OFFICIAL